

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Chapter 7 Estate of Bernard L.
Madoff,

Plaintiff,

v.

KOCH INDUSTRIES, INC., as successor in
interest to Koch Investment (UK) Company,

Defendant.

Adv. Pro. No. 12-01047 (CGM)

**STIPULATION AND ORDER REGARDING DEADLINES FOR
DEFENDANT'S REQUEST FOR CERTIFICATION OF DIRECT APPEAL**

Irving H. Picard (the "Trustee"), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC, under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-III, and the estate of Bernard L. Madoff, under Chapter 7 of the United States Bankruptcy Code, 11 U.S.C. §§ 701-784, and Defendant Koch Industries, Inc.

(“Defendant,” and with the Trustee, the “Parties”), by and through their respective and undersigned counsel, stipulate and agree as follows:

WHEREAS, on July 22, 2022, Defendant filed a motion to dismiss the Trustee’s complaint (the “Motion”), including supporting memorandum of law and declaration [ECF Nos. 105-07];

WHEREAS, on November 21, 2022, following full briefing by the Parties, this Court issued its *Memorandum Decision Denying Defendant’s Motion to Dismiss* [ECF No. 118];

WHEREAS, on November 30, 2022, this Court entered its *Order Denying Koch Industries, Inc.’s Motion to Dismiss the Complaint* [ECF No. 122] (the “**November 30, 2022 Order**”);

WHEREAS, on January 29, 2023, Defendant filed a Request for Certification of Direct Appeal, pursuant to 28 U.S.C. § 158(d)(2) and Federal Rule of Bankruptcy Procedure 8006(f), seeking an order certifying the November 30, 2022 Order for direct review in the United States Court of Appeals for the Second Circuit [ECF No. 129] (the “Certification Request”);

WHEREAS, the Trustee and Defendant have agreed to a reasonable extension of time for the Trustee to respond to the Certification Request;

IT IS HEREBY STIPULATED AND AGREED, by the Parties, and **SO ORDERED**, by the Court:

1. The deadline for the Trustee to respond to the Certification Request shall be March 3, 2023.
2. The hearing date on the Certification Request shall be the Court’s omnibus date of March 15, 2023.

Dated: January 30, 2023
New York, New York

By: /s/ Eric R. Fish
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SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC, and the
Chapter 7 Estate of Bernard L. Madoff*

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*Attorneys for Defendant
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Dated: January 31, 2023
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
U.S. Bankruptcy Judge